

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 10-md-02183-PAS**

IN RE: Brican America LLC Equipment
Lease Litigation

ORDER FOLLOWING STATUS CONFERENCE

THIS MATTER is before the Court following a status conference on February 17, 2011. Attorneys Ronald Gossett, David Charlip, Catherine Rodriguez and Alan Fine attended in person, attorneys Kenneth Catanzarite and Michael Gallagher participated via telephone conference call. For the reasons stated on the record at that hearing, and consistent with the Court's Notice to All Parties Concerning Status Conference [DE-114], it is hereby

ORDERED that

- (1) Defendant Jacques Lemacon's Motion to Dismiss for Lack of Personal Jurisdiction and Incorporated Memorandum of Law [DE-69] and Defendant Jean Francois Vincens' Motion to Dismiss for Lack of Personal Jurisdiction and Incorporated Memorandum of Law [DE-70] are DENIED.
- (2) The Clerk of the Court shall correct the docket to reflect that the Supplemental Memorandum of Defendant Francois Vincens' Motion to Dismiss for Lack of Personal Jurisdiction [DE-113] is not a pending motion, but merely a supplement to DE-70.
- (3) Patel Plaintiffs' Request for Hearing on *Patel* State Plaintiffs' Motion to Remand [DE-118] in the above captioned matter and [DE-35] in 10-cv-22959-PAS are DENIED because Plaintiffs' counsel will rest on the papers.
- (4) On or before **March 11, 2011**, Plaintiffs and Defendants shall each file a Statement of Legal Claims/Affirmative Defenses and Elements, which includes:
 - (A) a short, plain statement of the nature of each claim, any counterclaims, cross-claims or third-party claim and affirmative defenses; and
 - (B) a list of the legal elements for each claim and affirmative defenses asserted. The list of elements shall include citations to the

applicable standard jury instructions and/or case law.

Plaintiffs shall include in its submission a section identifying and setting forth the specific false statements referenced in Paragraph 302 of the First Amended Common Complaint.

- (5) The Parties shall meet and confer and inform the Court no later than **March 11, 2011**:
- (A) whether the April 14, 2011, status conference should be continued to a later date;¹ and
 - (B) the date by which the parties intend to submit a summary of the facts supporting their claims and affirmative defenses that are uncontested or which can be stipulated to.

DONE and ORDERED in Miami, Florida, this 17th day of February, 2011.


PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE

cc:
Counsel of Record
Magistrate Judge John O'Sullivan
The Honorable Michael D. Huppert

¹To the extent the Court and the parties discussed scheduling future status conferences at a later time in the day to accommodate California counsel, the Court appreciates Mr. Catanzarite's willingness to maintain the current arrangement starting such hearings at 8:30 a.m. EST.